

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-125796-001 DT

01/14/2016

COMMISSIONER R. JEFFREY WOODBURN

CLERK OF THE COURT

T. Sandoval

Deputy

STATE OF ARIZONA

SERENA COURTNEY POKRASS

v.

NICHOLAS ALAN HOLDEMAN (001)

DOB: 04/04/1990

MICHELLE A RATHKAMP

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

PRETRIAL SERVICES AGENCY-CCC

RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

11:26 a.m.

Courtroom SCT 2C

State's Attorney: Gavin Paul

Defendant's Attorney: Michelle Rathkamp

Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (as amended): Possession of Drug Paraphernalia

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Class 6 Undesignated Felony
A.R.S. § 13-3401, 3407, 3415, 3416, 3418, 901.01(H)(4), 901.01(I), 805, 610, 604, 701,
702, 707, 801, 802, 12-269, 116.04, 116.08, 116.09
Date of Offense: 06/05/2015
Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 1 Probation Term: 2 years

To begin 01/14/2016.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8: Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 1 - \$65.00 per month, beginning 03/01/2016.

FINE: Count 1 - Total amount of \$1,372.50, which includes surcharges of 83%, payable \$50.00 per month beginning 03/01/2016.

Fine is to be paid to the Arizona Drug Enforcement Fund.

PROBATION ASSESSMENT: Count 1 - \$20.00 payable on 03/01/2016.

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on 03/01/2016.

VICTIMS' RIGHTS ENFORCEMENT Count 1 - in the amount of \$2.00 payable on 03/01/2016.

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 1 - \$13.00 payable on 03/01/2016.

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Investigative Agency:

Mesa Police Department

Count 1: \$15.00 to the Technical Registration Fund payable on 03/01/2016.

All amounts payable through the Clerk of the Superior Court.

Condition 16: Not consume or possess any substances containing alcohol.

Condition 17: Count 1: Complete a total of 40 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

Condition 22: Other: Substance abuse treatment - including relapse prevention, aftercare and in-patient residential treatment if recommended by the APO - and random drug testing are ordered.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Count 2.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

Pursuant to the terms set forth in the parties' Plea Agreement,

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IT IS ORDERED that the Defendant pay all costs associated with the DNA testing ordered herein.

The presentence investigation report is filed under this cause number.

11:34 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER R. JEFFREY WOODBURN
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)